

DIVISION 13.9. BOARD OF PODIATRIC MEDICINE OF THE MEDICAL BOARD OF CALIFORNIA

Article 1. General Provisions

1399.650. Citation.

This chapter may be cited and referred to as the "Podiatric Medicine Regulations."

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2018, Business and Professions Code.

HISTORY:

1. New Chapter 13.8 (Articles 1-3, Sections 1399.650-1399.679, not consecutive) filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
3. Renumbering of Chapter 13.8 (Sections 1399.650-1399.697, not consecutive) to Chapter 13.9 filed 12-14-84; effective thirtieth day thereafter (Register 84, No. 50).

1399.651. Location of Office.

The principal office of the California Board of Podiatric Medicine is located at 1420 Howe Avenue, Suite 8, Sacramento, CA 95825-3229.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Section 2470, Business and Professions Code.

HISTORY:

1. Change without regulatory effect (Register 87, No. 15).
2. Change without regulatory effect amending section filed 9-10-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 51).

1399.652. Tenses, Gender and Number.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2119, Business and Professions Code.

HISTORY:

1. Repealer filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).

1399.653. Definitions.

For the purpose of the regulations contained in this chapter, the term:

(a) "Board" means the California Board of Podiatric Medicine.

(b) "Division" means the Division of Licensing of the Medical Board of California.

(c) "Code" means the Business and Professions Code.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Section 2470, Business and Professions Code.

HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).
3. Change without regulatory effect amending subsection (b) filed 9-10-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 51).
4. Change without regulatory effect amending subsection (b) filed 2-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 9).

1399.654. Continuation of Existing Regulations.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2119, Business and Professions Code.

HISTORY:

1. Repealer filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).

1399.655. Delegation of Functions.

Except for those powers reserved exclusively to the "agency itself" under the Administrative Procedure Act (Section 11500 et seq. of the Government Code), the board delegates and confers upon the executive officer of the board, or in his or her absence, the executive director or assistant executive director of the Medical Board of California, all functions necessary to the dispatch of business of the board in connection with investigative and administrative proceedings under the jurisdiction of the board.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2018, 2227, 2228, 2229, 2307 and 2470, Business and Professions Code; and Section 11500, Government Code.

HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).
3. Change without regulatory effect amending section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.656. Filing of Addresses.

Each person holding a certificate, license or other authority issued under the Medical Practice Act to engage in the practice of podiatric medicine shall file his or her proper and current mailing address with the board in its principal office, and shall immediately notify the board at its office of any and all changes of mailing address, giving both the old and new address.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Section 2422, Business and Professions Code.

HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).

1399.657. Fees.

NOTE: Authority cited: Section 2108, Business and Professions Code. Reference cited: Sections 2450.5, 2458, 2458.1, 2458.2, and 2525, Business and Professions Code.

HISTORY:

1. Amendment filed 3-20-78; effective thirtieth day thereafter (Register 78, No. 12).
2. Renumbering of former Section 1369 to Section 1399.657 filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
3. Repealer filed 7-10-81; effective thirtieth day thereafter (Register 81, No. 28).

1399.658. Professional Podiatry Corporations.

Professional podiatry corporations shall be subject to and

administered according to the provisions of Article 13 of Subchapter 1 of Chapter 13 (Sections 1341-1348) of these regulations.

NOTE: Authority cited: Sections 2018 and 2412, Business and Professions Code. Reference: Section 2406, Business and Professions Code.

HISTORY:

1. Renumbering of former Section 1368 to Section 1399.658 filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).

1399.659. Suspension and Revocation of Certificates to Practice Podiatric Medicine.

Doctors of podiatric medicine whose certificates have been subject to disciplinary action shall be subject to the provisions of Article 3 of Subchapter 2 of Chapter 13 (Sections 1358-1360.2).

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference cited: Sections 481, 482, 2227, 2228, 2229 and 2307, Business and Professions Code.

HISTORY:

1. New section filed 8-22-77; effective thirtieth day thereafter (Register 77, No. 35).
2. Renumbering from Section 1367 to Section 1399.659 and amendment filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
3. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).

Article 2. Licensing, Education and Certification

1399.660. Applications, Certificates.

(a) Applications for certificates to practice podiatric medicine and the form and endorsement of such certificates are subject to and administered according to the provisions of Article 2 (Sections 1307, 1308, 1309), Article 9 (Sections 1331-1332) and Article 10 (Section 1335), of the Medical Practice Regulations (Division 13, Chapter 1).

(b) The parts of the examination administered by the National Board of Podiatric Medical Examiners required by the board pursuant to Section 2486 (b) of the Code are Parts I, II and III.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 482, 2479 and 2480, Business and Professions Code.

HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect of subsections (b) and (c) (Register 87, No. 15).
3. Change without regulatory effect amending section heading filed 12-4-97 pursuant to section 100, title 1 California Code of Regulations (Register 97, No. 49).
4. Change without regulatory effect amending subsections (b) and (c) filed 2-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 9).
5. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).
6. Amendment of article heading filed 11-12-2003; operative 12-12-2003 (Register 2003, No. 46).

1399.661. Oral Examination Appeals.

(a) All appeals from a failure of the oral examination and for reconsideration of the applicant's examination scores shall be received in writing at the Board's office in Sacramento within 45 days from the date on the notification of failure of the examination.

(b) Such an appeal shall state the reasons for the appeal and shall be based upon one or more of the following grounds:

- (1) Significant procedural error in the examination process;
- (2) Evidence of adverse discrimination;
- (3) Evidence of substantial disadvantage to the examinee.

(c) An examinee may review only one time the tape recording of his or her examination prior to filing an appeal or, in the alternative, an examinee who has filed an appeal and received an adverse decision from the board may review only one time the tape recording of his or her examination. Such a review shall take place in the board's office in Sacramento at a time designated by the executive officer. The examinee may be accompanied by his or her legal representative. Such review shall be no longer than three (3) hours in length. Neither the examinee nor his or her legal representative may take notes of the recorded examination.

(d) The review of the oral examination shall be conducted by one or more board members, or the board's designee, and their findings shall be subject to the approval of the board in its discretion.

(e) All oral examination materials shall be retained by the board at the board's office in Sacramento for a period of two (2) years after the date of the examination

(f) Nothing in this section shall be construed to deprive an applicant of his or her rights of appeal as afforded by other provisions of law.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2480, 2486, 2487, Business and Professions Code; Section 12944, Government Code.

HISTORY:

1. New section filed 4-8-87; effective thirtieth day thereafter (Register 87, No. 15). For History of former section, see Register 83, No. 32 and 79, No. 49.
2. Editorial correction of subsection (c) (Register 95, No. 16).

1399.662. Approved Schools.

(a) Colleges of podiatric medicine accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association shall be approved by the board for the giving of professional instruction in podiatric medicine to candidates for examination and licensure as a doctor of podiatric medicine.

(b) Nothing contained in this section shall prevent the board from disapproving any college of podiatric medicine

which would otherwise be approved under subsection (a) if it does not meet the requirements of the code, including Section 2483, and any regulations of the board.

NOTE: Authority cited: Sections 2015, 2018 and 2470, Business and Professions Code. Reference: Section 2483, Business and Professions Code.

HISTORY:

1. Renumbering of section 1366.1 to section 1399.662 filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Repealer and new section filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
3. Change without regulatory effect (Register 87, No. 15).
4. Change without regulatory effect amending subsection (a) filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).
5. Amendment of subsection (a) and NOTE and repealer and new subsection (b) filed 12-11-95; operative 1-10-96 (Register 95, No. 50).
6. Amendment of subsection (a) filed 11-12-2003; operative 12-12-2003 (Register 2003, No. 46).

1399.663. Review of Specialty Board Applications; Processing Time.

(a) Within 30 working days of receipt of an application for specialty board approval, the Board of Podiatric Medicine (BPM) shall inform the applicant in writing that it is either complete and accepted for filing and referral to a podiatric medical consultant selected by BPM or that it is deficient and what specific information or documentation is required to complete the application.

(b) Within 918 calendar days from the date of filing of a completed application, BPM shall inform the applicant in writing of its decision regarding the applicant's approval as a specialty board.

NOTE: Authority cited: Sections 651 and 2470, Business and Professions Code; Section 15376, Government Code. Reference: Sections 651 and 2470, Business and Professions Code; Section 15376, Government Code.

HISTORY:

1. New section filed 6-27-2000; operative 7-27-2000 (Register 2000, No. 26). For prior history, see Register 97, No. 49.

1399.664. Review of National Board Applications; Processing Time.

(a) The board shall inform in writing an applicant for a certificate to practice podiatric medicine who has been examined by the National Board of Podiatric Medical Examiners within 35 days of receipt of the initial application form whether the application is complete and accepted for filing or is deficient and what specific information is required.

(b) The board shall inform an applicant for licensure under Section 2480 of the Code within 46 days after completion of the application of its decision whether the applicant meets the requirements for licensure. "Completion of the application" means that a completed application form together with all required information, documentation, and fees have been filed by the applicant.

(c) The minimum, median and maximum processing

time for an application for licensure under Section 2480 of the Code from the time of receipt of the initial application until the board makes a final decision on the application are:

- (1) Minimum ... 4 days
- (2) Median ... 39 days
- (3) Maximum ... 97 days

These processing times apply to those applicants who take and pass the first available oral examination.

NOTE: Authority cited: Section 2470, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2480, Business and Professions Code; Section 15376, Government Code.

HISTORY:

1. New section filed 10-3-83; effective thirtieth day thereafter (Register 83, No. 41).
2. Change without regulatory effect (Register 87, No. 15).
3. Editorial correction of subsection (b) (Register 95, No. 16).
4. Amendment filed 1-7-2003; operative 2-6-2003 (Register 2003, No. 2).

1399.665. Review of Reciprocity Applications; Processing Time.

NOTE: Authority cited: Section 2470, Business and Professions Code; and Section 15376, Government Code. Reference: Section 2480, Business and Professions Code; Section 15376, Government Code.

HISTORY:

1. New section filed 10-3-83; effective thirtieth day thereafter (Register 83, No. 41).
2. Change without regulatory effect (Register 87, No. 15).
3. Change without regulatory effect repealing section filed 12-4-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 49).

1399.666. Equivalent Training.

Equivalent training as set forth in Section 2483 of the code shall be that training obtained through those educational programs meeting the criteria and guidelines established by the Council on Podiatric Medical Education and accredited by that body, provided the training meets all requirements of the code and regulations.

NOTE: Authority cited: Sections 2015, 2018 and 2470 Business and Professions Code. Reference: Section 2483, Business and Professions Code.

HISTORY:

1. Renumbering of section 1366.9 to section 1399.666 filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
3. Change without regulatory effect amending section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).
4. Amendment of section and NOTE filed 12-11-95; operative 1-10-96 (Register 95, No. 50).
5. Amendment filed 11-12-2003; operative 12-12-2003 (Register 2003, No. 46).

1399.667. Hospitals Approved for Podiatric Residencies.

Podiatric medical residencies approved by the board in accordance with Section 2484 of the code shall be those that meet the minimum requirements set by the Council on Podiatric Medical Education, have designated a Director of Medical Education, provide emergency medical training through emergency room rotations, measure and evaluate the progress of participants and program effectiveness, have at

least a seventy-five per cent pass rate for residents taking the Part III exam of the National Board of Podiatric Medical Examiners within the most recent five-year period, and, in the board's determination, reasonably conform with the Accreditation Council for Graduate Medical Education's Institutional Requirements of the Essentials of Accredited Residencies in Graduate Medical Education: Institutional and Program Requirements, as revised effective September 1998, which are incorporated by reference in their entirety.

Reasonable conformance means that, in applying such requirements, the podiatric medical equivalent should be substituted for references made to general medicine, as appropriate. For example, in regard to resident eligibility and selection, references to "graduates of medical schools accredited by the Liaison Committee on Medical Education" should be interpreted as graduates of podiatric medical schools accredited by the Council on Podiatric Medical Education and approved by the California Board of Podiatric Medicine.

If a residency program falls below the specified seventy-five per cent pass rate, the board may grant the program approval if it determines after review of reports submitted by the program or the board's own site visit team that the program is in reasonable conformance with all applicable requirements. NOTE: Authority cited: Sections 2015, 2018 and 2470, Business and Professions Code. Reference cited: Sections 2475, 2475.3 and 2484, Business and Professions Code.

HISTORY:

1. Renumbering of Section 1366.8 to Section 1399.667 filed 12-7-79; effective thirtieth day thereafter (Register 79, No. 49).
2. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
3. Change without regulatory effect (Register 87, No. 15).
4. Amendment of section and NOTE filed 12-11-95; operative 1-10-96 (Register 95, No. 50).
5. Amendment of first paragraph, new subsection (b) and amendment of Note filed 8-21-98; operative 9-20-98 (Register 98, No. 34).
6. Amendment of first paragraph filed 11-7-2000; operative 12-7-2000 (Register 2000, No. 45).
7. Amendment of section heading and section filed 11-12-2003; operative 12-12-2003 (Register 2003, No. 46).

1399.668. Residency.

In order to be issued a license under Section 2475 of the code, a graduate shall:

- (a) file an application for registration on a form provided by the board, and
- (b) provide documentation that he or she is enrolled in an approved residency program or teaching program of an approved college of podiatric medicine.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2006 and 2475, Business and Professions Code.

HISTORY:

1. New section filed 3-15-83; effective thirtieth day thereafter (Register 83, No.

12).

2. Change without regulatory effect (Register 87, No. 15).
3. Repealer and new section heading filed 11-12-2003; operative 12-12-2003 (Register 2003, No. 46).

1399.668.1. Certification for Ankle Surgery.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2473, Business and Professions Code.

HISTORY:

1. New section filed 5-25-84; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 84, No. 21).
2. Renumbering of Section 1399.668.1 to Section 1399.689 filed 12-20-84; effective thirtieth day thereafter (Register 84, No. 51).

Article 3. Continuing Competence

1399.669. Continuing Competence Required.

(a) Each doctor of podiatric medicine is required to complete 50 hours of approved continuing education, including a minimum of 12 hours in subjects related to the lower extremity muscular skeletal system, and one of the continuing competence pathways specified in Business and Professions Code Section 2496(a) through (h), during each two (2) year renewal period.

(b) Each doctor of podiatric medicine renewing his or her license under the provisions of Section 2423 of the code may be required to submit proof satisfactory to the board of compliance with the provisions of this article every two (2) years.

(c) Each doctor of podiatric medicine in order to renew his or her license at each renewal period shall report compliance with the provisions of this article by signing and returning the declaration contained in the license renewal application.

(d) Any doctor of podiatric medicine who cannot comply with the provisions of this article during a two (2) year period shall be ineligible for the next renewal of his or her license unless such licensee applies for and obtains a waiver pursuant to Section 1399.678 below.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code.

HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Renumbering of former section 1399.670 to new section 1399.669 filed 3-8-84; effective thirtieth day thereafter (Register 84, No. 10).
3. Change without regulatory effect of subsection (b) (Register 87, No. 15).
4. Amendment of subsection (a) filed 8-23-93; operative 9-22-93 (Register 93, No. 35).
5. Amendment of article heading, section heading and section filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

1399.670. Approved Continuing Education Programs.

Only scientific courses relating directly to patient care under the following categories are approved for continuing medical education credit:

- (a) Programs approved by the California Podiatric

Medical Association or the American Podiatric Medical Association and their affiliated organizations.

(b) Programs approved for Category 1 credit of the American Medical Association, the California Medical Association, or their affiliated organizations, and programs approved by the American Osteopathic Association, or the California Osteopathic Association or their affiliated organizations.

(c) Programs offered by approved colleges or schools of podiatric medicine, medicine and osteopathic medicine.

(d) Programs approved by a government agency.

(e) Completion of a podiatric residency program or clinical fellowship in a hospital approved under Section 1399.667 shall be credited for 50 hours of approved continuing education.

(f) Programs offered by other individuals, organizations and institutions approved by the board pursuant to Section 1399.671 below.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code. HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Renumbering and amendment of former section 1399.671 to section 1399.670 and renumbering of former section 1399.670 to new section 1399.669 filed 3-8-84; effective thirtieth day thereafter (Register 84, No. 10).
3. Change without regulatory effect (Register 87, No. 15).
4. Amendment of subsections (a), (b) and (d) filed 8-23-93; operative 9-22-93 (Register 93, No. 35).
5. Amendment of first paragraph filed 5-2-95; operative 6-1-95 (Register 95, No. 18).
6. Amendment of subsection (b), new subsection (d) and subsection relettering filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

1399.671. Criteria for Approval of Courses.

(a) Only those individuals, organizations or institutions seeking approval by the board of continuing education courses or programs under Section 1399.671, subs. (e), above, shall apply for such approval on a form provided by the board. Those individuals, organizations and institutions approved under Section 1399.671, subsections (a) through (d) need not apply to the board for approval.

(b) Those individuals, organizations and institutions applying for approval of course or program offerings by the board under Section 1399.671, subs. (e), shall submit such documents and other evidence as may be needed by the board to determine compliance with the criteria set forth below, including but not limited to, catalogues, course descriptions, curricula plans and bulletins.

(c) Those courses or programs referred to in Section 1399.671, subs. (e), shall meet the following criteria in order to be approved by the board on an hour-for-hour basis:

(1) Faculty-The course or program organizer(s) shall have a faculty appointment in a public university or state college or in a private postsecondary educational institution authorized or approved pursuant to Section 94310 of the

Education Code. The appointment may be in disciplines other than medicine but directly related to the practice of podiatric medicine or medicine. The curriculum vitae of all faculty members and all other organizers shall be kept on file.

(2) Rationale-The need for the course and how the need was determined shall be clearly stated and maintained on file.

(3) Course Content-The content of the course and how the need was determined shall be clearly stated and maintained on file.

(4) Educational Objectives-Each course or program shall clearly state educational objectives that can be realistically accomplished within the framework of the course.

(5) Method of Instruction-Teaching methods for each course or program shall be described, e.g., lecture, seminar, audio-visual simulation, etc.

(6) Attendance-Course organizers shall maintain a record of attendance of each participant.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code. HISTORY:

1. Amendment of subsection (a) filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Renumbering of former Section 1399.672 to Section 1399.671 and renumbering and amendment of former Section 1399.671 to Section 1399.670 filed 3-8-84; effective thirtieth day thereafter (Register 84, No. 10).
3. Change without regulatory effect of subsections (a)-(c) (Register 87, No. 15).

1399.672. Continuing Education for Acupuncture Practice.

(a) A doctor of podiatric medicine may engage in the practice of acupuncture as part of the practice of podiatric medicine if he or she has completed a course of instruction as provided in this section.

(b) The course of instruction shall have a minimum of 25 hours of training and include the following subject areas:

(1) Survey of traditional Oriental medicine: "Traditional Oriental Medicine" is the theory and practice of traditional diagnostic and therapeutic procedures. It is the basis of oriental diagnosis and encompasses the differentiation of syndromes according to symptom complexes of blood, chi and humor, and classical and contemporary literature on acupuncture and Chinese medicine;

(2) Acupuncture points of the lower extremities;

(3) Acupuncture techniques.

(c) The course of instruction shall be obtained from one of the following:

(1) College or school of podiatric medicine approved under Section 1399.661;

(2) A college or school of acupuncture approved by the Acupuncture Examining Committee;

(3) A program approved under Section 1399.670.

(d) A course of instruction in acupuncture which meets the requirements of this section shall be credited toward required hours of continuing education.

NOTE: Authority cited: Section 2496, Business and Professions Code. Reference: Sections 2496 and 4947, Business and Professions Code.

HISTORY:

1. Renumbering of former Section 1399.672 to Section 1399.671 and new Section 1399.672 filed 3-8-84; effective thirtieth day thereafter (Register 84, No. 10).

1399.673. Survey of Need and Self-Assessment Required.

In addition to any other requirements for approval, all approved individuals, organizations, institutions, and other continuing education providers listed in Section 1399.671, with the exception of residency programs and clinical fellowships, may

(a) Utilize a survey of the podiatric medical community in order to determine those areas of clinical practice in which there is the greatest need in terms of demonstrated and expressed needs for additional information and instruction directly relevant to quality patient care and developments in the practice of podiatric medicine; and

(b) Provide a self-assessment evaluation in an objective format for each participant which pertains to the course content of the particular continuing education program. The evaluations shall be reviewed by the program providers to measure educational needs and to determine whether the objectives of the program have been met, and shall be made available to each participant for his or her review. Evaluations shall not be submitted to the board.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code.
HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
1. Change without regulatory effect of subsection (b) (Register 87, No. 15).

1399.674. Withdrawal of Approval; Appeal Procedure.

(a) Any individual, organization, institution, or other continuing education provider approved by the board in Section 1399.671 may have its approval withdrawn by the board for failure to comply with the provisions of this article.

(b) Any provider who is denied approval by the board as a continuing education provider or any continuing education provider whose approval is withdrawn by the board, or any doctor of podiatric medicine who is denied credit for continuing education coursework or whose license to practice podiatric medicine is not renewed after failure to comply with these continuing education rules may appeal such denial, withdrawal or suspension to the board. The board in its discretion may consider such an appeal with or without a hearing.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code.
HISTORY:

1. Change without regulatory effect (Register 87, No. 15).

1399.675. Continuing Competence Course.

(a) Extended courses of study approved by the board pursuant to Section 2496(g) of the code shall be in addition and supplementary to those taken to meet the continuing education requirement.

(b) Such courses shall provide didactic and clinical training that refreshes and updates knowledge and skills in common podiatric medical and surgical procedures.

(c) Such courses shall examine and test each candidate prior to graduation and certify graduation directly to the board.

(d) The application fee for board approval of each course shall be that specified in Section 2499.5(m) of the Business and Professions Code.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code.
HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Repealer and new section heading, section and Note filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

1399.676. Audit and Sanctions for Noncompliance.

(a) Each doctor of podiatric medicine at the time of license renewal shall sign a statement under penalty of perjury that he or she has or has not complied with the requirements of this article.

(b) The board may audit once each year a random sample of doctors of podiatric medicine who have reported compliance with the requirements. No doctor of podiatric medicine shall be subject to audit more than once every two (2) years. Those licensees selected for audit shall be required to document their compliance with the requirements of this article.

(c) Any doctor of podiatric medicine who is found out of compliance shall be required to document compliance prior to the next biennial renewal. Such licensees shall document to the board the completion of any deficient hours identified by audit. Any doctor of podiatric medicine who fails to make up the deficient hours, in addition to the hours required for the current renewal period, shall be ineligible for renewal of his or her license to practice podiatric medicine until such time as all the required hours of continuing education are completed and documented to the board in addition to the requirement of one of the continuing competence pathways.

(d) It shall constitute unprofessional conduct for any doctor of podiatric medicine to misrepresent compliance with the provisions of this article.

(e) Any doctor of podiatric medicine selected for audit who has been certified as complying with the continuing education requirements of this article by those organizations listed in Section 1399.671, subsections (a), (b), (c) and (d), will not be required to submit documentation or records of

continuing education coursework received, but the board may obtain such records directly from the certifying organizations or institutions.

(f) The board requires that each doctor of podiatric medicine retain records for a minimum of four (4) years of all continuing education programs attended which indicate the title of the course or program, the sponsoring organization or individual and the accrediting organization, if any.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code. HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).
3. Amendment of subsections (a)-(c) filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

1399.677. Credit for Teaching.

A maximum of one-third of the required hours of continuing education may be satisfied by teaching or otherwise presenting a course or program offered by an approved continuing education provider.

NOTE: Authority and reference cited: Section 2525.9, Business and Professions Code.

1399.678. Waiver of Requirement.

(a) The board in its discretion may exempt permanently or temporarily from the requirements of this article, any licensee who for reasons of retirement, health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted on a provided form to the board for its consideration.

(b) Any licensee so exempted by reason of retirement may not routinely engage in the practice of podiatric medicine and his or her podiatric medical practice shall be restricted as follows:

(1) Any examining, treating and prescribing is limited to 20 patients annually.

(2) Prescribing only Schedule IV and V controlled substances unless otherwise authorized by the board to prescribe from other schedules; the licensee's Drug Enforcement Administration (DEA) certificate shall reflect those restrictions.

(3) Irrespective of age, any income derived from the practice of podiatric medicine shall not exceed the net annual income allowed for recipients of social security benefits.

(c) Any licensee who submits an application for waiver which is denied by the board, may be ineligible for renewal of his or her license to practice podiatric medicine under the provisions of Section 1399.676.

(d) Any newly-licensed doctor of podiatric medicine who is licensed for less than six (6) months of the year shall be exempt from the continuing education requirement for that year.

(e) Any licensee granted a temporary waiver may not be granted another temporary waiver at the next license renewal.

NOTE: Authority and reference cited: Section 2496, Business and Professions Code. HISTORY:

1. Amendment filed 8-4-83; effective thirtieth day thereafter (Register 83, No. 32).
2. Change without regulatory effect (Register 87, No. 15).
3. Amendment of subsection (a) and new subsection (e) filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

1399.679. Inactive License.

(a) Any doctor of podiatric medicine desiring an inactive license pursuant to the provisions of Article 9 (commencing with Section 700) of Chapter 1 of Division 2 of the code or to restore an inactive license to active status shall submit an application to the board on a form provided by it. The applicant need not submit his or her certificate or copy thereof to the board with the application.

(b) "Board" as used in Section 701 of the code means the California Board of Podiatric Medicine.

(c) In order to restore an inactive license to active status, the licensee shall have completed a minimum of fifty (50) hours of approved continuing education within the last two (2) years and meet one of the continuing competence pathways in compliance with this article.

(d) All licensees who are in inactive status shall continue to pay to the board the required biennial renewal fees.

(e) The inactive status of any licensee shall not deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking a certificate or otherwise taking disciplinary action against the licensee on any such ground.

NOTE: Authority cited: Section 2470 and 2496, Business and Professions Code. Reference: Sections 700-704 and 2529, Business and Professions Code.

HISTORY:

1. Change without regulatory effect (Register 87, No. 15).
2. Amendment of subsection (c) filed 7-24-2003; operative 8-23-2003 (Register 2003, No. 30).

Article 4. Fees

1399.680. Applicants by Written Examination.

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2499.5, Business and Professions Code.

HISTORY:

1. Renumbering of Article 4 (Section 1399.685) to Article 5 and new Article 4 (Sections 1399.680-1399.684) filed 7-10-81; effective thirtieth day thereafter (Register 81, No. 28).
2. Amendment of subsections (a) and (c) filed 3-5-82; effective thirtieth day thereafter (Register 82, No. 10).
3. Amendment filed 3-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 14).
4. Change without regulatory effect repealing section filed 2-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 9).

1399.681. Fee for Specialty Board Approval.

Each specialty board or association applying for approval from the Board of Podiatric Medicine under section 651 of the code shall pay a fee \$4,030.

NOTE: Authority cited: Sections 651 and 2470, Business and Professions Code. Reference: Sections 651 and 2470, Business and Professions Code.

HISTORY:

1. New section filed 6-27-2000; operative 7-27-2000 (Register 2000, No. 26). For prior history, see Register 85, No. 30.

1399.682. Initial Fee.

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2499.5, Business and Professions Code.

HISTORY:

1. Renumbering of former Section 1399.682 to Section 1399.683, and renumbering and amendment of former Section 1399.681 to Section 1399.682 filed 3-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 14).
2. Amendment filed 12-20-84; effective thirtieth day thereafter (Register 84, No. 51).
2. Repealer filed 7-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 30).

1399.683. Expiration Date of Initial Licenses.

The expiration date of an initial license when issued shall be the second birthdate of the licensee after the date the license is issued.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2423, 2435 and 2436, Business and Professions Code.

HISTORY:

1. Renumbering and amendment of former Section 1399.683 to Section 1399.684, and renumbering of former Section 1399.682 to Section 1399.683 filed 3-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 14). For prior history, see Register 82, No. 10.

1399.684. Renewal Fee.

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2499.5, Business and Professions Code.

HISTORY:

1. Renumbering of former Section 1399.684 to Section 1399.685, and renumbering and amendment of former Section 1399.683 to Section 1399.684 filed 3-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 14).
2. Amendment filed 12-20-84; effective thirtieth day thereafter (Register 84, No. 51).
3. Repealer filed 7-22-85; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 85, No. 30).

1399.685. Penalty Fee.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Section 2424, Business and Professions Code.

HISTORY:

1. Renumbering of former section 1399.685 to section 1399.688 and renumbering of former section 1399.684 to section 1399.685 filed 3-29-83; effective upon filing pursuant to Government Code section 11346.2(d) (Register 83, No. 14).
2. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.686. Duplicate Wall Certificate.

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2499.5, Business and Professions Code.

HISTORY:

1. New section filed 3-29-83; effective upon filing pursuant to Government Code

section 11346.2(d) (Register 83, No. 14).

2. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.687. Special Certification Fees.

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2473, Business and Professions Code.

HISTORY:

1. New section filed 5-25-84; effective upon filing pursuant to Government Code section 11346.2(d) (Register 84, No. 21).
2. Repealer of subsection (a) filed 7-22-85; effective upon filing pursuant to Government Code section 11346.2(d) (Register 85, No. 30).
3. Change without regulatory effect (Register 87, No. 15).
4. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

Article 5. Advertising**1399.688. Advertising.**

A licensed doctor of podiatric medicine may advertise the provision of any professional services authorized to be provided by such license in a manner authorized by Section 651 of the code so long as such advertising does not promote the excessive or unnecessary use of such services.

NOTE: Authority cited: Sections 651 and 2018, Business and Professions Code. Reference: Sections 651, 651.3 and 2270, Business and Professions Code.

HISTORY:

1. New Article 4 (Section 1399.685) filed 4-10-80; effective thirtieth day thereafter (Register 80, No. 15).
2. Renumbering of Article 4 (Section 1399.685) to Article 5 (Section 1399.685) and new Article 4 (Sections 1399.680-1399.684) filed 7-10-81; effective thirtieth day thereafter (Register 81, No. 28).
3. Renumbering of Article 5 (Section 1399.685) to Article 5 (Section 1399.688) filed 3-29-83; effective upon filing pursuant to Government Code Section 11346.2(d) (Register 83, No. 14).

Article 6. Ankle Surgery**1399.689. Certification for Ankle Surgery.**

NOTE: Authority cited: Section 2499.6, Business and Professions Code. Reference: Section 2499.5, Business and Professions Code.

HISTORY:

1. Renumbering of former Article 6 (Sections 1399.690-1399.697) to Article 7, new Article 6 heading and renumbering of former Section 1399.668.1 to Section 1399.689 filed 12-20-84; effective thirtieth day thereafter (Register 84, No. 51).
2. Change without regulatory effect (Register 87, No. 15).
3. Change without regulatory effect repealing section filed 2-26-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 9).

1399.690. Definitions.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Section 2006 and 2484, Business and Professions Code.

HISTORY:

1. New article 6 (sections 1399.690-1399.697) filed 3-15-83; effective thirtieth day thereafter (Register 83, No. 12).
2. Editorial correction reprinting article 6 heading and sections 1399.690-1399.695 inadvertently deleted during Register 83, No. 14 printing process (Register 84, No. 25).
3. Renumbering of former article 6 (Sections 1399.690-1399.697) to article 7 filed 12-20-84; effective thirtieth day thereafter (Register 84, No. 51).
4. Change without regulatory effect (Register 87, No. 15).

5. Change without regulatory effect repealing article heading and section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.691. Requirements for Approval of Preceptorships.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2006 and 2484, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of first paragraph (Register 87, No. 15).
2. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.692. Requirements for Preceptors.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2006 and 2484, Business and Professions Code.

HISTORY:

1. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.693. Responsibilities of a Preceptor.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2006 and 2484, Business and Professions Code.

HISTORY:

1. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.694. Preceptee 's Responsibilities.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2006 and 2484, Business and Professions Code.

HISTORY:

1. Change without regulatory effect of subsections (b) and (c) (Register 87, No. 15).
2. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

1399.695. Denial, Suspension or Revocation of Registration of a Preceptor.

NOTE: Authority cited: Section 2018, Business and Professions Code. Reference: Sections 2006 and 2484, Business and Professions Code.

HISTORY:

1. Change without regulatory effect repealing section filed 1-6-92 pursuant to section 100, title 1, California Code of Regulations (Register 92, No. 12).

Article 8. Citations and Fines

1399.696. Citations and Fines.

(a) The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines for violations by a licensed doctor of podiatric medicine of the provisions of law referred to in this section. In all cases concerning medical quality of care, or requiring medical judgement, the executive officer shall base his decision on the findings of a board-approved medical consultant or expert.

(b) A citation shall be issued whenever any fine is levied or

any order of abatement is issued. Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail. (c) The amount of any fine to be levied by the executive officer shall take into consideration the factors listed in subdivision (b)(3) of Section 125.9 of the code and shall be within the range set forth below.

The fine for a violation of the following provisions shall be from \$100.00 to \$2500.00:

- (1) Business and Professions Code Section 119
- (2) Business and Professions Code Section 125
- (3) Business and Professions Code Section 125.6
- (4) Business and Professions Code Section 496
- (5) Business and Professions Code Section 650
- (6) Business and Professions Code Section 650.1
- (7) Business and Professions Code Section 651
- (8) Business and Professions Code Section 654.1
- (9) Business and Professions Code Section 654.2
- (10) Business and Professions Code Section 655.5
- (11) Business and Professions Code Section 702
- (12) Business and Professions Code Section 810
- (13) Business and Professions Code Section 2021
- (14) Business and Professions Code Section 2052
- (15) Business and Professions Code Section 2054
- (16) Business and Professions Code Section 2221.1
- (17) Business and Professions Code Section 2234
- (18) Business and Professions Code Section 2236
- (19) Business and Professions Code Section 2238
- (20) Business and Professions Code Section 2239
- (21) Business and Professions Code Section 2242
- (22) Business and Professions Code Section 2243
- (23) Business and Professions Code Section 2255
- (24) Business and Professions Code Section 2256
- (25) Business and Professions Code Section 2259
- (26) Business and Professions Code Section 2259.5
- (27) Business and Professions Code Section 2261
- (28) Business and Professions Code Section 2262
- (29) Business and Professions Code Section 2263
- (30) Business and Professions Code Section 2264
- (31) Business and Professions Code Section 2266
- (32) Business and Professions Code Section 2271
- (33) Business and Professions Code Section 2272
- (34) Business and Professions Code Section 2273
- (35) Business and Professions Code Section 2274
- (36) Business and Professions Code Section 2278
- (37) Business and Professions Code Section 2285
- (38) Business and Professions Code Section 2286
- (39) Business and Professions Code Section 2305

- (40) Business and Professions Code Section 2410
- (41) Business and Professions Code Section 2415
- (42) Business and Professions Code Section 2439
- (43) Business and Professions Code Section 2440
- (44) Business and Professions Code Section 2441
- (45) Business and Professions Code Section 2496
- (46) Business and Professions Code Section 2630
- (47) Business and Professions Code Section 2472
- (48) Business and Professions Code Section 2474
- (49) Business and Professions Code Section 4080
- (50) Business and Professions Code Section 4081
- (51) Business and Professions Code Section 17500
- (52) Business and Professions Code Section 17537.11
- (53) Health and Safety Code Section 1795
- (54) Health and Safety Code Section 11167
- (55) Health and Safety Code Section 11190
- (56) Health and Safety Code Section 11191
- (57) Health and Safety Code Section 123110
- (58) Penal Code Section 11166
- (59) Title 16 Cal. Code Reg. Section 1338(c)
- (60) Title 16 Cal. Code Reg. Section 1399.676

In her or his discretion, the executive officer may issue an order of abatement without levying a fine for the first violation of any provision set forth in this subsection.

(d) If a cited person who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his or her control after the exercise of reasonable diligence, the person cited may request an extension of time from the executive officer in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(e) When an order of abatement is not contested or if the order is appealed and the person cited does not prevail, failure to abate the violation charged within the time allowed shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail, return receipt requested. The time allowed for the abatement of a violation shall begin the first day after the order of abatement has been served or received. Such failure may result in disciplinary action being taken by the board or other appropriate judicial relief being taken against the person cited.

(f) The executive officer of the board is authorized to determine when and against whom a citation will be issued and to issue citations containing orders of abatement and fines against persons, partnerships, corporations or associations who are performing or who have performed services for which licensure is required as a doctor of

podiatric medicine under the Medical Practice Act but who do not possess a license. Each citation issued shall contain an order of abatement. Where appropriate the executive officer shall levy a fine for such unlicensed activity in accordance with subdivision (b)(3) of Section 125.9 of the code. The provisions of subsections (b), (d) and (e) of this section shall apply to the issuance of citations for unlicensed activity under this subsection. The sanction authorized under this section shall be separate from and in addition to any other civil or criminal remedies.

NOTE: Authority cited: Sections 125.9, 148 and 2470, Business and Professions Code. Reference: Sections 12.5, 125.9 and 148, Business and Professions Code. HISTORY:

1. Relocation of article 8 heading formerly preceding section 1399.698 to precede section 1399.696, and renumbering and amendment of former section 1399.698 to new section 1399.696 filed 7-22-98; operative 8-21-98 (Register 98, No. 30). For prior history of former section 1399.696, see Register 92, No. 12.
2. Change without regulatory effect amending subsections (c)(48)-(49) filed 11-19-99 pursuant to section 100, title 1, California Code of Regulations (Register 99, No. 47).
3. New subsection (c)(17) and subsection renumbering filed 1-19-2000; operative 2-18-2000 (Register 2000, No. 3).
4. Amendment of subsection (a), new subsection (c)(52) and subsection renumbering filed 7-3-2001; operative 8-2-2001 (Register 2001, No. 27).

1399.697. Contest of Citations.

(a) In addition to requesting a hearing provided for in subdivision (b)(4) of Section 125.9 of the code, the person cited may, within ten (10) days after service or receipt of the citation, notify the executive officer in writing of his or her request for an informal conference with the executive officer regarding the acts charged in the citation. The time allowed for the request shall begin the first day after the citation has been served or received.

(b) The executive officer shall hold, within 30 days from the receipt of the request, an informal conference with the person cited or his or her legal counsel or authorized representative. At the conclusion of the informal conference the executive officer may affirm, modify or dismiss the citation, including any fine levied or order of abatement issued. The executive officer shall state in writing the reasons for his or her action and serve or mail, as provided in subsection (e) of Section 1399.696, a copy of his or her findings and decision to the person cited within ten days from the date of the informal conference. This decision shall be deemed to be a final order with regard to the citation issued, including the fine levied and the order of abatement.

(c) The person cited does not waive his or her request for a hearing to contest a citation by requesting an informal conference after which the citation is affirmed by the executive officer. If the citation is dismissed after the informal conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any fine levied or order of abatement, is

modified, the citation originally issued shall be considered withdrawn and new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days in accordance with subdivision (b)(4) of Section 125.9.

NOTE: Authority cited: Sections 125.9 and 2470, Business and Professions Code. Reference: Section 125.9 Business and Professions Code.

HISTORY:

1. Renumbering of former section 1399.699 to new section 1399.697, including amendment of section and Note, filed 7-22-98; operative 8-21-98 (Register 98, No. 30). For prior history of former section 1399.697, see Register 92, No. 12.

1399.698. Public Disclosure; Record Retention.

Every citation that is issued pursuant to this article shall be disclosed to an inquiring member of the public. Citations that have been resolved, by payment of the administrative fine or compliance with the order of abatement, shall be purged five (5) years from the date of resolution. A citation that has been withdrawn or dismissed shall be purged immediately upon being withdrawn or dismissed.

NOTE: Authority cited: Sections 125.9, 148 and 2470, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

HISTORY:

1. New section filed 9-2-88; operative 10-2-88 (Register 88, No. 37).
2. Amendment of subsections (a), (c) and (c)(1), repealer of subsections (c)(1)(A)-(c)(2)(N), new subsections (c)(1)(A)-(c)(1)(WW), subsection renumbering, and amendment of newly designated subsection (c)(2) and Note filed 1-6-95; operative 2-6-95 (Register 95, No. 1).
3. New subsection (c)(1)(OO), subsection relettering, and amendment of newly designated subsections (c)(1)(SS)-(VV) filed 10-21-96; operative 11-20-96 (Register 96, No. 43).
4. Relocation of article 8 heading formerly preceding section 1399.698 to precede section 1399.696, renumbering of former section 1399.698 to new section 1399.696 and new section 1399.698 filed 7-22-98; operative 8-21-98 (Register 98, No. 30).
5. Amendment filed 1-31-2002; operative 3-2-2002 (Register 2002, No. 5).

Article 9. Information Disclosure

1399.700. Requirements for Information Disclosure.

The Board of Podiatric Medicine will disclose the following information, if known, upon any request regarding any doctor of podiatric medicine licensed in California:

(a) Current status of a license, issuance and expiration date of a license, podiatric medical school of graduation, and date of graduation.

(b) Any public action against any doctor of podiatric medicine, and any disposition thereof, including, but not limited to, accusations, decisions, temporary restraining orders, interim suspension orders, citations, limitations on practice ordered by the board, and public letters of reprimand. Accusations which have been filed and later withdrawn shall be retained in the board's file for a period of one year after the accusation was withdrawn.

(c) Medical malpractice judgements in excess of \$30,000 reported to the board on or after January 1, 1993,

including the amount of the judgement, the date of the judgement, the court of jurisdiction, the case number, a brief summary of the circumstances as provided by the court, and an appropriate disclaimer including, but not limited to, the accuracy of the information provided.

(d) Discipline imposed by another state or the federal government reported to the board on or after January 1, 1991, including the discipline imposed, the date of the discipline, the state where the discipline was imposed, and an appropriate disclaimer including, but not limited to, the accuracy of the information provided.

(e) California felony convictions reported to the board on or after January 1, 1991, including the nature of the conviction, the date of conviction, the sentence, if known, the court of jurisdiction, and an appropriate disclaimer including, but not limited to, the accuracy of the information provided.

NOTE: Authority cited: Sections 803, 803.1 and 2470, Business and Professions Code. Reference: Sections 803 and 803.1, Business and Professions Code.

HISTORY:

1. New article 9 (section 1399.700) and section filed 8-14-96; operative 9-13-96 (Register 96, No. 33).

Article 10. Corrective Shoes

1399.705. Sale of Corrective Shoes by Unlicensed Persons.

(a) Pursuant to Section 2477 of the code, unlicensed persons may manufacture, recommend, and sell corrective shoes and appliances for the human feet, including any arch supports.

(b) Unlicensed persons may advertise the products and services specified in subsection (a).

(c) Unlicensed persons may not diagnose or treat podiatric medical conditions or otherwise practice podiatric medicine as defined in Business and Professions Code section 2472. Unlicensed persons may not prescribe, furnish, dispense, or sell corrective shoes, orthotics, or any other devices as treatments for podiatric medical conditions.

(d) Unlicensed persons may not advertise the diagnosis or treatment of podiatric medical conditions. Unlicensed persons may not advertise the prescribing, furnishing, dispensing, or sale of shoes or devices as treatments for podiatric medical conditions.

NOTE: Authority cited: Section 2470, Business and Professions Code. Reference: Sections 2052, 2474 and 2477, Business and Professions Code.

HISTORY:

1. New article 10 (section 1399.705) and section filed 10-21-96; operative 11-20-96 (Register 96, No. 43).

Article 11. Disciplinary Guidelines

1399.710. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code Section 11400, et seq.), the board shall consider the disciplinary guidelines entitled “A Manual of Disciplinary Guidelines and Model Disciplinary Orders” [revised November 3, 2000] which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board in its sole discretion determines that the facts of the particular case warrant such a deviation--for example: the presence of mitigating factors; the age of the case; evidentiary problems.

NOTE: Authority cited: Section 2470, Business and Professions Code; and Section 11400.20, Government Code. Reference: Sections 11400.20 and 11425.50(e), Government Code.

HISTORY:

1. New article 11 (section 1399.710) and section filed 10-22-97; operative 10-22-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 43).
2. Amendment filed 1-27-2000; operative 2-26-2000 (Register 2000, No. 4).
3. Amendment filed 7-10-2001; operative 8-9-2001 (Register 2001, No. 28).